IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Bail Appl..No. 609 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.176/2007 Dated 12/01/2007
(CRIME NO.6/07 OF THE ELATHUR POLICE STATION, KOZHIKODE)

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PETITIONERS:

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1. T.P.RAHEEM, AGED 28 YEARS,
   S/O.MOIDEEN KOYA, TYCOOTAM PARAMBIL,
   PUTHIYANGADI AMSOM AND DESOM KOZHIKODE DIST.

2. K.RAHIM, AGED 35 YEARS, S/O.MOHAMMED,
   KINATTINGAL HOUSE, DO. DO.

3. P.K.MANAG, AGED 33 YEARS,
   S/O.MOIDINKOYA, PERUMALUKANDI, DO. DO.

4. T.P.ANWAR SADIKK, AGED 30 YEARS,
   S/O.ABOOBACKER, THYKOOTAM PARAMBIL , DO. DO.

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:

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1. STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA AT ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   ELATHUR POLICE STATION,
   ELATHUR, KOZHIKODE DIST.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 609 OF 2007

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DATED THIS THE 8th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.2 to 5 in Crime No.3/07 of Elathur Police Station, for offences punishable under sections 143, 147, 148 and 326 read with section 149 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The occurrence took place on 31.12.2006 at 11.30 PM during which the de facto complainant and his brother were attacked with spade, cycle chain, bill hook, etc. and both of them sustained injuries and the de facto complainant had sustained two fractures as well.

4. Having regard to the fact that a counter case has also been registered as Crime No.5/07, although I am not inclined to grant anticipatory bail to the petitioners, I am inclined to permit them to surrender before the Investigating Officer for interrogation and then to have their application for bail ordered by the Magistrate. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 12.2.2007 and 14.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. Thereafter the petitioners shall be produced before the Magistrate

having jurisdiction on the same day who shall release the petitioners on bail on appropriate conditions.

These applications are disposed of as above.

V.RAMKUMAR, JUDGE

dsn